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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/048,137      | 06/12/2002  | Christian Collette   | 136.169             | 2745             |

7590 08/12/2004

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| EXAMINER |
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DOAN, KIET M

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

2683

DATE MAILED: 08/12/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/048,137

**Applicant(s)**

COLLETTE, CHRISTIAN

**Examiner**

Kiet Doan

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 July 1999.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

1. **Claims 1-5**, are rejected under 35 U.S.C. 102(e) as being anticipated by Smith et al. (Patent No. 6,333,973).

Consider **claim 1**, Smith teaches server (40) for controlling telecommunications (Col 7, lines 3-6, Fig. 5 teach server) and/or computer equipment comprising a digital transmission link to said equipment (Col 2, lines 33-40, Col 4, lines 8-14, Fig.1, teach computer equipment which inherently provided link/digital transmission) characterized in that it comprises means for the reception and interpretation of short messages (SMS or UUS messages) including commands and means for the sending of said commands to said telecommunications (Col 7, lines 15-24 teach command/sending SMS) or computer equipment through said digit transmission link in that the command(s) received by the server (40) are sent by a telecommunications terminal (11 or 13A or 13B), in that the command(s) include a call number of telecommunications terminal (14) (Col 4, lines 57-64 teach using computer send which would be transmission link) in that the equipment

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comprises means to call back the terminal (11 or 13A or 13B) that is the sender of the short message and means for linking said sender terminal (11 or 13A or 13B) with the telecommunications terminal (14) identified by said call number (Col 4, lines 65-67, Col 5, lines 1-8 teach communicates mobile phone and telephone which would be means for linking sender terminal).

Consider **claim 2**, Smith teach control device comprising a server (Fig. 5, network services provider No. 1200 contain server) characterized in that the telecommunications and/or computer equipment is a piece of interactive equipment capable, in return, of sending short messages to said server addressed to the terminal (11 or 13A or 13B) that has sent the command (Col 3, lines 60-67, Col 4, lines 15-25 teach telecommunication equipment and mobile telephone means as terminal interactive with server).

Consider **claim 3**, Smith teaches control system comprising a device characterized in that it comprises a plurality of telecommunications terminals (11, 13A, 13B) capable of sending short messages (SMS or WS messages) (Col 4, lines 3-4, Fig.1 No.1100, 1300, 1400, 1700 teach comprise plurality of telecommunication terminal) conveying command parameters addressed to said server (40) for the activation (Col 7, lines 2-14 teach voice signal which would be parameter and address to server) and/or programming of said (Col 5, lines 58-61 teach program code which programming telecommunications and/or computer equipment or pieces of equipment.

Consider **claim 4**, Smith teaches control system characterized in that the terminals are mobile telephony terminals (Col 3, line 60, Fig.1 No.1100 teach mobile telephone) the short messages being SMS messages (Col 4, lines 29-35 teach short messages being SMS).

Consider **claim 5**, Smith teaches control system characterized in that the terminals are ISDN digital terminals (Col 4, lines 3-11, Col 7, lines 29-39, Fig.1 No.1700 teach terminal which inherently would be ISDN) the short messages being UUS messages (Col 4, lines 25-29 teach caller uses caller telephone which UUS).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claim 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (Patent No. 6,333,973) in view of Lohtia et al. (Patent No. 6,560,456).

Consider **claim 6**, Smith teaches all the claimed limitations as disclosed in claims 1-5 but fail to teach control system characterized in that the short message may be pre-programmed in the terminals. In an analogous art, Lohtia teaches "System and Method for providing Subscriber-initiated Information Over The SMS or A Microbrowser" Further, Lohtia teaches control system characterized in that the short message may be pre-programmed in the terminals (Col 7, lines 25-41 teach information pre-program to handset which would be in the terminal).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to included, within Smith system, provided subscriber-initiated information, as taught by Lohtia to modify the system that provided the users easy and quick access the message from the terminal.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicants disclosed:

- |                   |                        |
|-------------------|------------------------|
| 1. Brilla et al   | (Patent No. 6,389,276) |
| 2. Collins et al. | (Patent No. 6,424,828) |
| 3. Winbladn       | (Patent No. 6,205,330) |
| 4. Lotia et al.   | (Patent No. 6,560,456) |
| 5. Smith et al.   | (patent No. 6,333,973) |

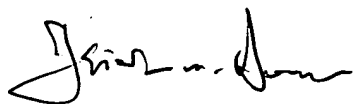
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiet Doan whose telephone number is 703-305-4749.

The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kiet Doan  
Patent examiner



WILLIAM TROST  
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